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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,321	01/09/2004	Shawn Gregory Abigail	ALC 3111	7258

7590 02/26/2007  
KRAMER & AMADO, P.C.  
Suite 240  
1725 Duke Street  
Alexandria, VA 22314

EXAMINER
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LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,321	<b>Applicant(s)</b> ABIGAIL, SHAWN GREGORY	
	<b>Examiner</b> Matthew J. Ludwig	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-25, 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the RCE filed 11/27/2006.
2. Claims 23-32 are pending in the application. Claims 23 and 29 are independent claims. Applicant cancelled claims 1-22.
3. Claims 1-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Shyu have been withdrawn pursuant to applicant's amendments.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 23-25 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu Pat. Pub. US 2003/0174162 filed (6/28/2002) in view of Shewchuk et al., Pat. Pub. US 2004/0139352 filed (1/15/2003).**

**In reference to independent claim 23, Wu teaches:**

The error message may result in an alarm being generated or otherwise initiated by the SMLC. The SMLC may include a fault management server or component that is used to receive and/or handle error messages received by the SMLC regarding a problem. The fault management server may be used to display and manage an alarm which might include, logging, clearing, and/or forwarding an alarm, generating, maintaining, updating, and/or manipulating an active alarm list (compare to "*generating at a network element a compliant alarm report in response*

*to an alarm condition, said report including an alarm token encapsulated between a corresponding XML tags*”). See page 4, [0031] through [0033]. The reference teaches a second device which may provide a notification (XML transmission) to the first device or application that it has changed operating state as the result of the alarm or the clearance of an alarm. Wu provides a description for XML in the use of transmitting alarm data. Finally, the reference provides a table illustrating alarm tokens indicating a condition of a computer system, which caused the alarm. The language fails to preclude the examiner from utilizing the Term/XML tag/Description as a way of suggesting a condition of a computer system. However, the reference fails to explicitly state the reported alarm encapsulated between a corresponding pair of XML tags. Shewchuk provides methods for the encapsulating of tokens in alarm messaging environment. More specifically, XML tags are used to encapsulate tokens and provide a user with a means for accurately identifying content data. It would have been obvious to one of ordinary skill in the art, having the teachings of Wu and Shewchuk before him/her at the time the invention was made, to modify the messaging system of Wu with the token encapsulating methods of Shewchuk, because it would have provided a means of accurately identifying content data in a messaging environment.

When the SMLC receives an error message that indicates that a problem exists, the SMLC may determine the severity level of the alarm and add the alarm to an active or uncleared alarm list (compare to “*logging said compliant alarm report into a combined alarm report log file, adapted to log compliant alarm reports from a plurality of network elements of said communication network*”). See page 5, [0043].

Upon receiving an error message regarding a network element, the SMLC may query the network element or other devices to ascertain additional information regarding the problem with the network element (compare to “*parsing alarm report using a compliant parser equipped with XML tag specifications*”). See page 5, [0043] through [0046]. Furthermore, an operator or the NMS may determine or establish one or more rules or guidelines for when the NMS will send an update request and/or what is being request. The NMS may send different update requests depending on different rules or circumstances. See page 5, [0047].

The information provided by the SMLC to the NMS may include one or more of the following: information regarding the status of all currently uncleared alarms, information regarding one or more alarms cleared since the last reporting by the SMLC to the NMS, information regarding one or more alarms designated or indicated by the NMS in the update request (compare to “*pair of XML tags uniquely identify a category of said alarm condition being reported by said network element*”). See page 5, [0047] through [0048].

**In reference to dependent claim 24, Wu teaches:**

File transmissions or other communications from or between the SMLC and the NMS may be XML compliant or other platform independent protocol. A representative interface schema for a file or other communication allows an alarm event report to be stored as an observation object and transmitted as a file using the XML protocol. See page 6, [0062] through [0063].

**In reference to dependent claim 25, Wu teaches:**

The interface schema for a file may include a file header, an event data record, and file footer. The file header may include a version record that may include information indicative of

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the version or identify the SMLC and/or the NMS, a sender record that may include information regarding the sender for the file, and a start time record that may include information regarding when the alarm records are started to be collected. See page 7, [0063].

**In reference to dependent claim 28**, Wu teaches:

File transmissions or other communications from or between the SMLC and the NMS may be XML compliant or other platform independent protocol. A representative interface schema for a file or other communication allows an alarm event report to be stored as an observation object and transmitted as a file using the XML protocol. See page 6, [0062] through [0063].

**In reference to claims 29, 30, and 31**, the limitations reflect the system used for performing the methods as claimed in 23, 24, 25, and 28. Therefore, the claims are rejected under similar rationale.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

7. Claims 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

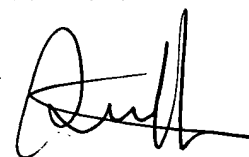
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127.

The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML



**STEPHEN HONG  
SUPERVISORY PATENT EXAMINER**